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COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 38th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 3 April 1997, at 6 p.m.

Chairman:	Mr. SOMOL	(Czech Republic)
later:	Ms. BAUTISTA (Vice-Chairman)	(Philippines)

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(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

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The meeting was called to order at 6.20 p.m.

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(agenda item 9) (continued) (E/CN.4/1997/3, 35-42, 43 and Add.1, 44-46, 47 and Add.1, 2, 3 and 4 and 119; E/CN.4/1997/NGO/10, 24 and 28; A/51/483 and Add.1 and 506 and Add.1)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 18) (continued) (E/CN.4/1997/84-86 and 88-90; E/CN.4/1997/NGO/33 and 63; A/51/453 and Add.1)

1. Mr. AL-HUMAIMIDI (Observer for Iraq) said that, although there had been considerable progress in the establishment of fundamental human rights since the proclamation of the Universal Declaration in 1948, the interpretation of the criteria underlying them had been subject to much confusion and ambiguity. For example, the right of a State to sovereignty and non-interference in its internal affairs was one of the basic principles of international law, but that principle had been repeatedly violated under the pretext of protecting human rights or affording humanitarian relief.

2. Criteria should, therefore, be established for the interpretation of international human rights and a mechanism devised to give them effect. They should preclude: anything prejudicial to human rights and the sovereign rights of States and peoples in pursuit of political aims inconsistent with international law; selective interpretations of human rights in pursuit of conflicting international interests - "the double-standard approach"; any dissociation between political and civil rights and the economic, social and cultural rights with which they were integrally related - a State should not, for example, be condemned for failing to feed and provide health care for its people when it was prevented from availing itself of its natural and economic resources; and any distorted interpretation of the right to self-determination and of "minority rights" directed to religious and ethnic fragmentation in pursuit of political aims and international interests.

3. In the work of United Nations human rights bodies, emphasis should be placed on the neutral and objective role of special rapporteurs, whose true purpose, in line with General Assembly resolution 50/174, was the improvement of human rights situations, not interference in the internal affairs of the States concerned.

4. Mr. PITYANA (South Africa), speaking as Chairperson of the South African Human Rights Commission, said that his Commission, which had been established in 1995 by Act of Parliament in accordance with the Paris Principles, was endeavouring to popularize human rights by organizing seminars, workshops and public education programmes. It had also received and investigated a considerable number of complaints of human rights violations. In a multiracial, multilingual society, it had had to tread warily when dealing with sensitive matters such as the application of the rights to freedom of religion, tradition, culture and language.

5. It had undertaken initiatives in connection with the Third Decade to Combat Racism and the Decade on Human Rights Education and was collaborating with the Department of Justice in the preparation of projected anti-discrimination legislation, and with the Department of Home Affairs on refugee legislation. It was also conducting an inquiry into the human rights situation in the prisons, and further similar inquiries were planned.

6. His Commission monitored the implementation of the Bill of Rights and had enjoyed the cooperation of the Government departments concerned. Its role as a focal point for human rights practice and advocacy was generally recognized, and it was sponsoring a forthcoming national conference.

7. As in many countries whose citizens were concerned about rising levels of crime, popular opinion in South Africa tended to place a low priority upon human rights. Public education and awareness were therefore of critical importance. The work of the South African Commission was supported by the goodwill of the international community, especially the Centre for Human Rights, with which a technical cooperation agreement would shortly be reached. He also looked forward to cooperation with other national institutions and with non-governmental organizations (NGOs).

8. Mr. ALAEE (Observer for the Islamic Republic of Iran) said that it was regrettable that the Centre for Human Rights did not always make available expertise and material assistance to countries wishing to establish national institutions which played a pivotal role in the development of regional cooperation. Any restrictions imposed on their participation in the deliberations of the Commission and other human rights bodies would be detrimental to their contribution to the cause. The Iranian national institution, established in 1994, had undertaken numerous activities, including investigations of human rights abuses, public education, and the training of judges and prison staff.

9. Trafficking in women and their exploitation through prostitution and pornography, which had assumed the dimensions of organized transnational crime and constituted a new form of slavery, must be combated by resolute and concerted action by Governments and by public education. A first step was the empowerment of women through more cohesive programmes targeted at the socially and economically vulnerable, in which the United Nations Development Fund for Women (UNIFEM) could play a crucial role. His Government fully supported the Working Group on New Forms of Slavery, which was addressing the underlying causes.

10. Mrs. JEFFRIES (Observer for New Zealand) said that the development of human rights in the Asia-Pacific region, of which New Zealand was an integral part, had taken place through the ratification of international instruments and the establishment of national human rights institutions. In New Zealand, the Office of the Race Relations Conciliator, established in 1971, had been followed in 1977 by the Human Rights Commission, of which she was currently the Chief Commissioner.

11. The first meeting of the Forum of Asia/Pacific Human Rights Commission, held at Darwin in 1996, of which New Zealand had been a co-organizer had made significant progress in the establishment of further national institutions, and some 20 projects were currently being undertaken, supported by the Voluntary Fund, without whose help such work would not be able to continue. She also drew attention to the conclusions of the recent Amman workshop and paid tribute to the contribution made by NGOs.

12. She asked the members of the Commission to support the draft resolution on agenda item 9 (b) providing for a permanent right for national institutions to participate in the Commission's deliberations.

13. Mr. DAYAL (India), speaking as a member of the National Human Rights Commission of India, said that national institutions had a crucial role to play in bridging the gap between the pronouncements of the United Nations and the ordinary people in its Member States, and must be perceived as independent and credible. He believed that the statutory basis of his country's Commission, which was in line with the Paris Principles, had been of fundamental importance in gaining the confidence of the Indian people.

14. Turning to the report on national institutions (E/CN.4/1997/41), he said that, four years after the 1993 Vienna Conference, the time had surely come for the Commission to reach a decision on the method of participation of such institutions in United Nations forums. While much had been done to widen and strengthen the network of national institutions around the world, to which the Coordinating Committee was making a valuable contribution, there was an urgent need for increased contributions to the Voluntary Fund.

15. The National Human Rights Commission of India had witnessed a dramatic increase in the number of complaints received, which reflected the trust placed in it by the people. It had made progress in putting an end to custodial deaths and rape, and in recommending prosecutions and the payment of compensation. It was also working for systematic reform of the criminal justice system, and was dealing with a wide range of social issues, such as child labour. It welcomed United Nations measures to counter terrorism and, believing in the importance of peace and transparency, continued to support the presence of the International Committee of the Red Cross (ICRC) in Jammu and Kashmir.

16. Mr. NFOR GWEI (Observer for Cameroon), speaking in his capacity as Chairman of the National Commission on Human Rights and Freedoms of Cameroon and of the Coordinating Committee of African Human Rights National Institutions, said that the National Commission had diversified its membership by bringing in the representatives of various professional groups. It was making contact with religious bodies and local development associations, and

had encouraged human rights teaching in schools, and its inclusion in the training courses of the National School of Administration and Magistracy.

17. The National Commission was currently preparing a progress report on the first five years of its work. It was also continuing the work of investigating complaints, and inspecting prisons, detention centres and hospitals. Cooperation and assistance had been received from the Canadian and French Commissions, including a grant from the latter for the timely production of a brochure on free and fair elections. Following the dispatch of a needs assessment mission from the Centre for Human Rights, the National Commission expected that a contribution would follow to meet the desperate need for assistance in human rights promotion.

18. The first Conference of African Human Rights National Institutions in 1996 had been a major step forward in the development of regional cooperation. As Chairman of the Coordinating Committee of African Human Rights National Institutions, he had been actively encouraging the Governments of the region to establish national institutions and strengthen existing ones. He had also been in correspondence with the Chairman of the South African Commission, which was planning a national conference on the lines set out in the Yaoundé Declaration. Cooperation in the region could not, however, be limited to national institutions alone, but must harness the efforts of all human rights forces on the African continent.

19. Mr. SIDOTI (Observer for Australia) said he regretted the continuing delay in adopting a definitive resolution on the participation of national institutions in the Commission's deliberations. Progress, which he hoped would be made at the current session, required not only greater commitment on the part of Governments, but also effective assistance from the Centre for Human Rights, including advice from the legal division on the various options available.

20. The most significant recent achievement for the national institutions in the Asia-Pacific region had been the agreement to establish the Forum of National Human Rights Institutions which could make a valuable contribution to the effectiveness of existing institutions and encourage the establishment of new ones. It was important that the latter should be based on the Paris Principles, which provided an internationally accepted standard.

21. Turning to relations with the Centre for Human Rights, he said that its contribution to the development of national institutions had been among its very few tangible achievements over recent years, and he paid tribute to the work of many of its dedicated officials. Unfortunately, however, the Australian Commission had also encountered regrettable evidence of endemic mismanagement and incompetence in the Centre, where lost files, unanswered correspondence and unpaid debts appeared to be the rule rather than the exception. Cooperation between the Centre and a number of national institutions had, in fact, reached breaking point.

22. While he welcomed the appointment of a new officer in charge, with a promising record, the temporary nature of the appointment must not lead to any delay in establishing good management and competent performance in the Centre. The funds available for its work in establishing and strengthening national

institutions had been minimal and, when the special allocation by his Government, which had rendered it possible to engage a high-level expert in that area, came to an end in the near future, he feared that the Centre's commitment would again fall far short of meeting the requests for assistance by Member States. His delegation thus urged the Centre to ensure continuing resources for the support of national institutions from its own budget and from voluntary contributions.

23. Mr. URRUELA PRADO (Observer for Guatemala), commenting on the statement by the Independent Expert on the situation of human rights in Guatemala, confirmed that the State Plan forming part of the Peace Agreements included some of the recommendations in the reports submitted to the Commission. The office of Military Commissioner had been abolished in 1995 and the Voluntary Civil Defence Committees (CVDC) had also been abolished.

24. While his Government recognized that there were continuing shortcomings in the justice system, an important development was that Supreme Court judges were to be relieved of their administrative duties and to be concerned exclusively with juridical functions. A Justice Commission, established under the Peace Agreements, had already begun work to make the justice system more flexible and accessible. As for the Public Prosecutor's Office, a career structure had been introduced and a system of shift working instituted to ensure that prompt round-the-clock action could be taken in response to crimes and offences. With respect to the application of the death penalty, Guatemala was engaged in a dialogue with the Inter-American Commission on Human Rights. The resistance of some members of the Military Police to demobilization had been purely temporary and the body had been disbanded and its leaders put on trial.

25. Progress had also been made in resolving land disputes, for example in the Estrella Polar estate where mediation by the National Fund for Peace (FONAPAZ) had resulted in the withdrawal of the occupying peasants, who had moved to a neighbouring property purchased by the State. The Government also recognized the right to establish the truth about acts of violence that had occurred during the 36 years of armed confrontation and supported the work of the Commission on Historical Clarification.

26. Turning to individual cases, he said that delays in the Myrna Mack case had resulted from applications by the defence for annulment of proceedings which had not been conducted under the former Code of Procedure, but talks were continuing with the prosecution with a view to providing all necessary support compatible with the independence of State powers. As for the Mario Alioto López case, involving charges against six policemen, he wished to point out that article 8 of the National Reconciliation Act excluded from the Act, in addition to crimes against humanity, offences covered by human rights treaties of which Guatemala was a signatory.

27. His delegation was surprised that the Independent Expert's statement should have minimized the positive effects of the signature of the Peace Agreements, and have failed to mention the cordial and frank meetings that she had held with State officials, and to recognize the unreasonableness of expecting a solution to all problems within a few months of the establishment of internal normalization.

28. Mr. MASSALBAYE (International Federation of Human Rights) said that the International Federation and its Affiliated League for the Defence of Human Rights in Iran had recently published a report entitled "Iran: Tyranny in the Name of Allah", expressing their grave concern about violations of the rights of women in that country. Legally they were second-class citizens: if a man killed a woman, his heirs were obliged to pay the family of the victim half the commercial value of a man; the age of majority and thus of marriage for a girl was 9 years, while that for a boy was 15 years; a daughter's marriage had to be authorized by the father or paternal grandfather, not the mother, who had no parental authority and, in the case of divorce, could claim custody only of boys under two years of age and girls under seven - provided that she did not remarry. Polygamy was legal and, in spite of some modifications in divorce procedure, it was difficult for a woman to sue for divorce, which a man could obtain without difficulty.

29. A married woman was obliged to obtain her husband's authorization to leave the country or to work, and her choice of employment was subject to restrictions imposed by the husband. A foreign woman marrying an Iranian man automatically acquired his nationality, while the reverse was not true. A woman could only claim half the inheritance to which a man was entitled. Women accounted for only one tenth of the working population and some occupations remained inaccessible to them, including the judiciary and the office of President of the Republic.

30. The obligation to wear Islamic costume, the hijab, irrespective of the religion and nationality of the woman concerned, was absolute, and punishment for infringements ranged from verbal reprimands, to 74 lashes, and even imprisonment for up to a year.

31. Sport was a key area for promoting the integration of women, and his organization welcomed the reduction in the number of national Olympic teams excluding women athletes and appealed to all States to ensure that women and men participated equally and without any discrimination in the forthcoming Sydney Games.

32. Mr. GARCIA PICOLA (Pax Romana) said he wished to express his organization's profound disquiet at the situation of displaced Tamils in Sri Lanka, who were being used by both the belligerent parties as human shields.

33. In spite of the expressions of alarm by many international bodies and Governments about the continuing conflict in the Great Lakes region of Africa, the situation of refugees there was still worsening. It had proved impossible to stem the flow of refugees towards Kisangani and in the Kivu region, where the humanitarian crisis had been aggravated by increasingly violent military conflict. The joint peace plan proposed by the United Nations and the Organization of African Unity (OAU) had not found sufficient support from the conflicting parties, nor had the Special Rapporteur's offer to dispatch human rights observers. On the contrary, a number of members of United Nations humanitarian agencies and NGOs had been expelled or evacuated to Kisangani as a result of a refusal by local authorities to renew their safe conducts.

34. Prospects of peace in the region would continue to be remote as long as the ban on arms trading, which the Security Council had inexplicably lifted with regard to Rwanda, was not reimposed upon all the countries concerned. Concrete measures were essential if an overall political solution was to be found.

35. He appealed to Governments to support humanitarian aid and the repatriation of refugees, and to international bodies to increase the number of observers and provide adequate protection for them, and he called upon the representatives of Zaire, Rwanda and Burundi and other neighbouring countries to convene an international conference under joint United Nations/OAU auspices with a view to the definitive adoption of the peace plan.

36. Ms. PROVO KLUIT (Pax Christi International) said that internal or international conflict had uprooted 3 million people in the former Yugoslavia, and led to the exodus of 9 million refugees from Afghanistan to Pakistan and Iran, in addition to those displaced within the country. The most notorious case of inter-ethnic violence causing exodus and displacement was that which had occurred in the Great Lakes region of Africa, and the fate of the Rwandan refugees in Zaire, Tanzania and Burundi was causing grave concern. Some cases of internal displacement were created by deliberate measures, such as the recent expulsion of 20,000 Haitians from the Dominican Republic.

37. Many fundamental rights and freedoms were denied to refugees and internally displaced persons, as pointed out by the Representative of the Secretary-General in his useful analysis of the situation (E/CN.4/1996/52/Add.2), and they were exposed to violations of the right to life, to cruel treatment and other abuses, such as rape or the demand of sexual favours in return for food and assistance. The most obvious and basic violation, however, was denial of the right of freedom of movement and residence within a State enshrined in article 13 of the Universal Declaration.

38. Among the factors preventing refugees and internally displaced persons from returning home were lack of security, a poor human rights situation, lack of infrastructure and threats of violence, land and property disputes which they might encounter on their return, and the presence of anti-personnel landmines, which was a major threat to life and limb.

39. Ms. QUINTERO (Centre Europe-Tiers Monde) said that internal displacement continued to be one of the most serious and frequent violations of human rights in Colombia, where it was estimated that there had been 181,000 cases in 1996, making the overall total of victims at least 900,000. Among the causes were a persistent official policy of human rights violations, especially by the military, the police and the intelligence services, and the repeated breaches of humanitarian international law by all parties to the internal armed conflict.

40. Underlying causes were the unlimited accumulation of land by a few large owners, narcotics trafficking, the alliance of ranchers and other economic groupings with paramilitary formations, the need for ever-widening territorial control by the armed participants, large economic schemes with the participation of multinational companies, and the outlawing of legitimate social protest.

41. The Government continued to underestimate the importance of the forced displacement problem, as was evident from its failure to take concerted action to avoid further exoduses of peasants in districts controlled by paramilitary groups or where there were conflicts between the army and guerrillas. On the contrary, the authorization of the uprooting of civilians and the establishment by the Government of Rural Security Cooperatives had led to widespread panic.

42. The National Programme established by the Government was not participating in initiatives to prevent displacement and was inadequately staffed to undertake integral assistance programmes. The action required to remedy the situation should include: respect for international human rights commitments and the law governing armed conflicts; the disbanding of paramilitary groups; limits to land holdings; and guarantees of safe return and resettlement.

43. Ms. SHIN (World Alliance of Reformed Churches) said she welcomed the Commission's efforts to advance women's rights, especially through the work of the Special Rapporteur on violence against women whose mandate should, however, be extended to cover the follow-up to her work: for example, the failure by the Japanese Government to accept the recommendation in her report on military sexual slavery (E/CN.4/1996/53/Add.1) that it should pay compensation to the victims and its attempt to shift responsibility for payment to a private fund.

44. Since the Commission's last session three of the Korean victims of that slavery had died, still rejecting the indignity of receiving charity money instead of State compensation. The Special Rapporteur had also recommended that the Governments of countries with similar victims should bring the issue to the International Court of Justice, but no such action had so far been taken.

45. On the other hand, the United States Department of Justice had announced its decision to prohibit the entry of Japanese war criminals into the country - an example which should be followed by other Governments. While she supported the establishment of an international criminal court, she wished to emphasize that the gender perspective must be integrated in order to ensure that violations of women's rights would be properly addressed.

46. Mr. ARTUCIO (International Commission of Jurists), having congratulated the Independent Expert on her report on the situation of human rights in Guatemala (E/CN.4/1997/90), said that the international community must continue to provide technical and financial support for the integration of the ex-combatants from the URNG into the political and social life of the country, for the rights of the indigenous peoples of Guatemala, and for monitoring compliance with the agreements.

47. His organization was, however, concerned about the way in which the courts might interpret the provision in the National Reconciliation Act (145/96) for amnesty for offences during the "internal armed confrontation". It was essential that only those responsible for offences committed strictly within those limits should so benefit, and that both offences excluded from the amnesty - genocide, forced disappearance and

torture - and those committed outside the strict limits of the confrontation should be punished. It was inadmissible that those responsible for the numerous massacres of non-combatant peasants by both sides should go unpunished.

48. He commended the efforts of NGOs and parliamentarians in Japan to have a committee established by law to investigate military sexual slavery imposed by the Japanese regime during the Second World War upon women from Korea, China and Philippines. The victims should receive compensation for their sufferings, as his organization had recommended to the Commission and the Japanese authorities.

49. Ms. TOM (Caritas Internationalis) said that her organization had cooperated with other religious bodies in the preparation of a written statement on internally displaced persons for submission to the Commission (E/CN.4/1997/NGO/40). There was currently a much wider awareness of the problem, which was of particular concern to Caritas, and she expressed appreciation of the contribution of Mr. Deng as Representative of the Secretary-General on the subject. A "compact and useable" document, formulating guiding principles relating to all phases of displacement, was, however, needed. As to institutional arrangements, she agreed that the only feasible option was an integrated approach by all the organizations concerned, in which the High Commissioner for Human Rights should play a more active role.

50. She commended the 12 Governments that had invited country visits by the Representative, but adequate follow-up to recommendations and suggestions was also required. Anti-personnel landmines not only constituted one of the causes of displacement but were also a serious impediment to resettlement. Above all, respect for the human dignity and inalienable rights of internally displaced persons must always be the primary consideration in dealing with them.

51. Mr. SHOAIB (International Human Rights Association of American Minorities) said that, although there were many references to activities in support of the Decade for Human Rights Education in the report of the High Commissioner (E/CN.4/1997/46), it was disappointing to see that the role of NGOs continued to be minimal. His organization wished to suggest that an NGO-support committee for the Decade should be established within the Centre for Human Rights. It once more renewed its proposal that the mandate of the Special Rapporteur on violence against women should be widened to cover State-orientated violence.

52. Turning to the programme and methods of work of the Commission, he said that his organization wished to protest against the Commission's continued toleration of the presence in the conference hall of representatives of Governments that professed to be protectors of human rights but whose gross violations of them and refusal to invite Special Rapporteurs or to cooperate with them were denounced in many of the reports before the Commission.

53. One such example was India, whose repeated violations of human rights in Jammu and Kashmir were reliably attested by independent NGOs such as Amnesty International and Human Rights Watch. The Special Rapporteur on questions

relating to torture had transmitted over 50 cases of torture and inhuman treatment and two urgent appeals involving 180 persons to the Indian Government, and had expressed concern in his report at the persistence of torture, often followed by death, in Jammu and Kashmir. The report of the Working Group on Enforced or Involuntary Disappearances was also damning in its references to India. He was aware of the difficulties that arose from political and economic considerations, but thought that the time had come for the Commission to establish a more effective accountability mechanism.

54. Ms. SPALDING and Mr. TENENBAUM (United Towns Agency for North-South Cooperation), speaking alternately, said that the five minutes allowed to cover so many human rights issues were comparable to the five fingers of the hand seeking to hold grains of wheat or life-giving water - very different from the hand, uniting all races, which had appeared on human rights posters in 1991-1992.

55. In the report of the High Commissioner for Human Rights on implementation of the Plan of Action for the United Nations Decade for Human Rights Education (E/CN.4/1997/46), reference was made to the Commission's invitation to all concerned, including the private sector, to participate in building and strengthening programmes and capacities for formal and informal human rights education - an invitation which Dove Productions and JAMUP to JAMOP ("Just a Minute for Universal Peace" and "Just a Minute of Peace" - a series of music programmes to commemmorate the anniversary of the Universal Declaration and celebrate the dawn of the new millenium) had proudly accepted. As a contribution to the public information activities outlined in document E/CN.4/1997/36, Dove Productions also offered its Website at WWW.JAMOP.COM to complement those being developed by the United Nations.

56. Dove Productions was also involving young people in its development of JAMUP and JAMOP and had undertaken to share the profits from the 1998 JAMUP concerts in the form of a challenge grant to contribute to the funds for the proposed 1999 world conference on racism.

57. Mr. MAACHOU (Arab Lawyers Union) said that the estimated figure of 125 million displaced persons and refugees indicated the scope and seriousness of the problem which, although it often took different forms, had in common the uprooting of people from their land and property, and their exposure to deprivation of their social and cultural rights, and often of the right to life itself. Among the causes were racial discrimination and civil and religious wars and other forms of conflict, as in the former Yugoslavia, Africa and the occupied Arab territories. In the last of these cases, a major cause was the settlement policy of Israel, as illustrated in East Jerusalem, where Israel was setting out to destroy the demographic and geographical character of the city and rid it of its Arab inhabitants.

58. Another major cause was ethnic violence, particularly in underdeveloped areas. The tragic mass displacements in the Great Lakes region of Africa were causing instability in all the neighbouring countries, including Sudan, the sufferings of whose people, as reflected in the reports of the High Commissioner for Refugees and the Special Rapporteur, were of special concern to the Arab nations. The remedy for mass exodus and displacement varied according to the causes in each particular case, but what was common to

them all was the need to protect international legality, and his organization appealed to the United Nations system to seek for solutions compatible with that principle.

59. Ms. BAUTISTA (Philippines), Vice-Chairman, took the Chair.

60. Ms. FARHI (International Council of Jewish Women), speaking also on behalf of 20 other NGOs,* said that the question of the reform of the programme and working methods of the Commission had been a matter of concern for some years to the NGO community. The written statement they had submitted (E/CN.4/1996/NGO/22) expressed the view that the Commission's debates did not adequately reflect important changes in the world and their effects on all aspects of the human rights situation, and particularly that of women. All attempts to give the Commission's work a new and more constructive direction had so far failed for lack of political will.

61. Priority-setting in what was often an overloaded and confused agenda seemed to be made on no comprehensible principle. Agenda item 10, for example, involved a rushed review of countries whose violations of human rights, including genocide and ethnic cleansing, had set new records for barbarism, while an entire item and four days of discussion were reserved for a single country - one indeed accused of violations, but also recognized by the international community as a democratic State.

62. One might also have expected that a review of the follow-up of the grave situations discussed at extraordinary sessions of the Commission would receive priority treatment at the current regular session, but that had not so far been the case. And what was to be said of areas of the world whose names that had never appeared on the agenda, but where it was a matter of common knowledge that flagrant violations were occurring, as reported by the NGOs and the media? It was also a matter for regret that women's rights had only rated sub-items in the agenda and had not been integrated into all relevant analyses.

63. As to agenda item 9 itself, it was hard to understand why such disparate subjects had been thus brought together, incidentally to the great disadvantage of NGOs that could speak only once on the entire item. While it was perfectly legitimate to seek consensus where possible, excessive resort to it was often a mere pretext for blocking necessary or constructive decisions; it should be remembered that voting was the basis of democracy.

64. Although the Commission, as an intergovernmental body, was a political one, its unique mission imposed the duty of rising above empty political wrangling. Debates should bring more intellectual rigour to the discussion of matters that deserved something better than invective and value judgements. The frequently used argument of the inviolability of national sovereignty and the illegality of any interference in internal affairs was inadmissible in the face of massive and flagrant violations of human rights.

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* The list of NGOs concerned appears as an annex to this summary record.

65. Monitoring mechanisms should be strengthened and special rapporteurs given the resources required by their mandates, and greater coordination established between the various human rights bodies.

66. The NGOs were perplexed to note that the more their competence and usefulness was praised the more their prerogatives appeared to melt away year by year. There were, for example, only 10 seats with labels in the conference hall for 160 duly accredited NGOs.

67. The NGOs sponsoring her statement appealed to the members of the Commission to re-establish a working group on the reform of the Commission's work and agenda at the fifty-fourth session. The NGOs in question assured the Commission that they were ready to make every possible contribution to the efficient working of the Commission, in the spirit of the Charter and of the Universal Declaration of Human Rights.

68. Ms. TANAKA (International Movement against All Forms of Discrimination and Racism) said that, as had been emphasized in the Beijing Declaration and Programme for Action, the effective suppression of trafficking in women and girls, which had become a major focus of international organized crime, was a matter of pressing international concern.

69. Among its root causes were patriarchal and racist attitudes, often combined with discrimination against specific social groups, such as women migrant workers, particularly illegal immigrants, who were often indigenous women from poor countries. They often seemed to be viewed as providing protection for other women from men seeking extramarital satisfaction for their desires. The double standards of society and its media treated them as second-class and immoral, making their fate comparable to that of the victims of military sexual slavery, the so-called "comfort women".

70. If a sound human rights culture was to be built, such double standards had to be eliminated, and the victims of multiple discrimination decriminalized and empowered, which would require a broad educational process to make those in authority - including police, immigration, consular and juridical offices, and social workers, doctors and lawyers - conscious of their responsibilities.

71. Human rights education could provide an ideal field for education against sexist and racist discrimination. In addition, both domestic and international legislation and instruments should be strengthened.

72. Ms. AVELLA ESQUIVEL (Women's International Democratic Federation) said that it was regrettable that the reports of both the Special Rapporteur on violence against women and the Special Rapporteur on Afghanistan had not come to hand in time for discussion.

73. The report on integrating the human rights of women into mechanisms throughout the United Nations system (E/CN.4/1997/40) referred to the adoption of the Convention on the Elimination of All Forms of Discrimination against Women as the establishment of a juridical instrument for the protection of their rights, but the events of the past year showed that, in some countries, the status of women and children received no respect at all. The horrifying

events in Rwanda and Burundi and those daily reported from Zaire had not resulted in any timely assistance from the world community in spite of the shocked reaction of public opinion.

74. At a time when technical advances made it possible for supplies to be delivered very quickly almost anywhere in the world, it was inadmissible that women and children should be left to die for lack of food and medicine. Special rapporteurs treated the situation of women as part of their mandates, but that was not enough in view of the extremely grave problems of violence against women throughout the world.

75. Sudan had not adhered to the Convention, and neither there nor in the Islamic Republic of Iran was there any cessation of violations of their rights, although discussion of their situation had begun in the latter country. The new regime in Afghanistan had virtually enslaved women, who could not work, or go out alone and who were obliged to veil themselves from head to foot. Their basic rights had been annulled in spite of the fact that that country had ratified a number of human rights instruments.

76. In Latin America, women had suffered every sort of violence, including forced marches over long distances with their children. In Peru, they were used as spoils of war and detained in subhuman conditions. Her organization was also concerned by the terrorism prevailing in a number of countries, often involving military and paramilitary units acting with the approval of Governments that claimed to defend human rights.

77. Ms. NOWROJEC (Human Rights Watch) said that the international community appeared to be retreating from the protection of refugee rights, and there was growing reluctance among African Governments to host massive refugee flows. The international community must be prepared to institute screening processes to separate refugees from human rights violators and combatants, and the United Nations must strengthen its framework for the protection of the internally displaced. UNHCR had stood by and watched the forced repatriation of Rwandan and Burundian refugees, and their return had not been monitored or assistance provided for their permanent reintegration.

78. In Sudan, Government troops and militias had caused massive displacement and death by raids upon civilians, as had the rebel army. The United Nations must insist on access to areas of need and oppose the transfer of Operational Lifeline Sudan to government-controlled territory, which would limit its action. It must also stop the rebel army from forcibly recruiting children.

79. In Kenya, thousands remained internally displaced by State-sponsored "ethnic" violence, and a UNDP programme on their behalf had been brought to an end in 1995, largely by Government obstruction.

80. In 1995, South Africa had ratified the refugee convention, and large numbers of persons displaced by conflict were migrating into that country, as a result of which there had been an upsurge of xenophobia. It was essential to ensure that the rights of asylum-seekers, refugees and non-citizens continued to be respected there.

81. Mr. ABDELBAGI (World Federation of Democratic Youth) said that his organization, in an endeavour to promote broader respect for human rights, particularly those of internally displaced persons, had organized the First International Peace Caravan to Sudan in December 1996, and its findings and recommendations had been forwarded to the parties to the conflict and the relevant regional and international organizations, as reported in documents E/CN.4/1997/NGO/24 and 26.

82. The people in southern Sudan and the Nuba Mountains were destitute of everything but their unfulfilled yearnings for social justice, peace and security. The Caravan had witnessed indiscriminate bombings of civilian targets by the government air force, and had first-hand evidence of serious violations of fundamental rights.

83. Women, children and young people were crowded into refugee camps, such as the one run by UNHCR, which lacked proper medical services. International agencies and organizations must extend all possible technical and humanitarian assistance to the people of those areas. The situation in the Nuba Mountains was particularly alarming, since only pro-Government relief organizations were allowed access. His organization fully supported the recommendations by the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1997/58).

84. Miss AAFJES (Institute for Women, Law and Development) welcomed the recommendations of the Special Rapporteur on violence against women that States should ratify, without reservation, the international human rights instruments relating to women and should amend their penal codes to reflect recent research findings.

85. In a recent study, based on work with women from 23 countries, her organization had found that although most countries criminalized rape, the relevant laws were frequently not enforced or were too limited to address rape effectively. The definition of rape was often too narrow and needed to be broadened to cover a full range of sexual violence and all categories of women, regardless of marital status, class or profession.

86. Some laws were also discriminatory in requiring corroboration solely because the victim was a woman, and in admitting evidence of the victim's past sexual conduct. Some countries also required a medical examination within 24 hours of the rape, at a time when the victims were suffering from post-traumatic stress, or required an act of resistance from the woman. Legislation was not enough; States must also implement gender-sensitization programmes at all levels of the police, judiciary and medical administration, and allocate funds for victim-support services.

The meeting rose at 9 p.m.

Annex

List of non-governmental organizations sponsoring the statement by the International Council of Jewish Women under agenda item 9

African Association of Education for Development (AFASED)

All India Women's Conference

Coordinating Board of Jewish Organizations

International Abolitionist Federation

International Alliance of Women

International Association of Democratic Lawyers (IADL)

International Association of Jewish Lawyers and Jurists

International Council on Jewish Social ar elfare Services

International Federation of Univesity Women (IFUW)

International Federation of Social Workers

International League for the Rights and Liberation of Peoples

Pax Christi International

Rehab Hope Foundation

World Association of Girl Guides and Girl Scouts (WAGGGS)

World Christian Life Community

World Federation of Methodist and Uniting Church Women

World Jewish Congress

World Union for Progressive Judaism

World Union of Catholic Women's Organizations

Zonta International